

**BEFORE THE LAND USE HEARINGS EXAMINER
FOR CLARK COUNTY, WASHINGTON**

In the matter of a Type III application for a conditional use permit and site plan to construct and operate a car wash and a retail building in two phases on an approximately 34,280 sf site zoned C3 (Community Commercial) in unincorporated Clark County, Washington.

FINAL ORDER

**Quickway Car Wash
CUP2002-00002, SEP2003-00016
PSR2003-00014, ARC2002-00046
PAC2003-00052 (waiver)**

I. Summary:

This Order is the decision of the Clark County Land Use Hearings Examiner approving with conditions this application for conditional use permit, site plan and related environmental permits for a 3,500 sf car wash and a 2,000 sf retail building on an approximately 34,280 sf site zoned C3.

II. Introduction to the Property and Application:

Applicant Tom Ranck
20305 NE 122nd Street
Brush Prairie, WA 98606

Contact Olson Engineering,
Mike Odren
111 Broadway
Vancouver, WA 98660

Property 13519 NE Fourth Plain Road, Legal Description: TLs 1/15 (107715-000) and 1/16 (107720-000) located in the NW ¼ and SW ¼ Section 11, Twp. 2 North, Range 2 East of the WM.

Applicable Laws Clark County Code (CCC) chapters 12.05A (Transportation), 12.41 (Concurrency), 13.29 (Storm Water Drainage and Erosion Control), 13.7- (Critical Aquifer Recharge Area), 15.12 (Fire Code), 18.65 (Impact Fees), 18.313 (Commercial Districts), 18.402A (Site Plan Review), 18.404 (Conditional Uses), 18.600 (Procedures), and 20.50 (SEPA).

The subject site is located near the SW corner of NE Fourth Plain Road and NE 137th Avenue. The site is vacant and relatively flat with gravelly areas and grass. The property is zoned C-3 as is the property to the east and the northeast across NE Fourth Plain Road. Both of these neighboring properties are developed as gas stations. To the northwest of the site across NE Fourth Plain Road the property is zoned ML (Light Industrial). To the south and west the properties are zoned R1-5 (Single-Family Residential) and to the south is an existing developed single-family subdivision which was recorded in August of 1969. The applicant is seeking Conditional Use Permit and Site Plan Approval for a phased development consisting of a 3,500 sf drive-thru car wash (Phase I) and a 2,000 sf retail building (Phase II).

The applicant submitted a comprehensive application package that included a site plan (Ex. 7), narrative and other supporting documentation (Exs. 5, 6, 8 & 10). The applicant subsequently modified the proposed site plan and provided a revised narrative (Exs. 19 & 18 respectively). Staff released a comprehensive report on the project on May 7, 2003, recommending approval of the proposal (Ex. 20).

III. Summary of the Local Proceeding and the Record:

A preapplication conference was held for this project on January 10, 2002; however, the application was not submitted for more than one year. The applicant signed and was granted a waiver of the preapplication conference requirement pursuant to CCC 18.600.030(B)(2) (Ex. 9). The applicant submitted a fully complete application on February 26, 2003, which was determined to be fully complete on March 18, 2003 (Ex. 11). This means that the application was vested on February 26, 2003.

Notice of the Type III application and May 22, 2003 public hearing on the application were mailed to the applicant, the Heritage Neighborhood Association and property owners within 300 feet on April 1, 2003 (Exs. 12 & 13), and notices were posted on the site on May 14, 2003 (Ex. 20). Notice of the May 22nd hearing was published in the Columbian on May 7, 2003 (Ex. 17), and notice of the proposed SEPA Determination of Nonsignificance (DNS) was published in the Columbian on May 7, 2003 (Ex. 20). The County received no appeals of the SEPA Determination by the comment and appeal deadline of May 21, 2003. Staff issued a report on the project dated May 7, 2003 (Ex. 20) recommending approval.

The initial public, evidentiary hearing was duly noticed and held before the Hearings Examiner on May 22, 2003. At the commencement of the May 22nd hearing, the Examiner explained the procedure and disclaimed any ex parte contacts, bias, or conflict of interest. No one objected to the proceeding, raised any procedural objections, or challenged the Examiner's ability to decide the matter impartially. No one challenged the jurisdiction of the Examiner to decide this application.

At the hearing representatives of the County Community Development Department and Engineering, Mitch Kneipp and Ken Carlson respectively, provided oral summaries of their reports and the various agency and departmental comments already in the record. Staff described Washington Department of Transportation's (WDOT) initial request for a frontage dedication of 10 feet along SR 500 (Ex. 15) and its subsequent reduction of that requirement to 5 feet (Ex. 22). The applicant's engineer, Curt Stonex, appeared on behalf of the applicant to provide a verbal description of the project, to present the revised plan and narrative, and to answer questions. Mr. Stonex expressed the applicant's agreement with the staff report, including proposed findings and conditions of approval.

The only testimony or evidence from a member of the public not associated with the County or the applicant was received from John Charleboix, who testified in a neutral capacity. Mr. Charleboix, who lives south of the site abutting the property, questioned whether the proposed 6-foot cyclone fence, 4-foot wall and shrubbery would be sufficient to keep people from crossing from the car wash site onto his property. He also asked questions related to the internal water circulation, filtration and disposal system. At the conclusion of the May 22, 2003 hearing, the Examiner kept open the record until May 28, 2003, because the County had posted the property with notice of the application on May 14, 2003. No new evidence or information was received into the record following the May 22nd hearing.

IV. Findings:

Only issues and approval criteria raised in the course of the application, at the hearing or before the close of the record, are discussed in this section. Any standard that might be deemed to be an applicable approval criterion but which was not raised by staff, the applicant or a party to the proceeding has been waived as a contested issue, and no argument with regard to any such issue or criterion can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings. The Examiner adopts in support of this decision the following findings related to issues that were raised during this proceeding:

LAND USE:

Finding 1 – Conditional Use Permit – The proposed car wash is a conditionally allowed use in the C3 Zone under CCC 18.313.020(E)(6) subject to the conditional use permit approval standards in CCC 18.404.060. CCC 18.404.060(A) requires that the establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the county.

The Examiner finds based on the applicant's narrative and the testimony received that locating the car wash away from the single-family south of the site helps to protect the neighboring residents. In addition, the applicant proposes an enhanced L5 landscaping buffer, separating the car wash and gas station site from the adjacent residential development which will further buffer the adjacent neighbors from impacts from the proposed use. See Land Use Finding 2 below.

The Examiner also finds that, with the enhanced L5 landscaping buffer, the proposed plan adequately protects the best interests of the neighboring residential development, and this development will not be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood nor will it be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the county.

Finding 2 – Alternative L5 Landscape buffer (south and west property lines) – CCC 18.402A.050(C)(7) allows the conditional approval of an alternative landscape design and buffer standard that is compatible with existing, adjacent landscaping that still meets the intent of the required buffer type. The applicant is proposing an L5 landscape buffer along the south and west portions of the site in compliance with CCC Table 18.402A-1. However, given the spatial constraints of the site a retaining wall is proposed in certain areas in order to achieve the required 4-foot berm height. Also, additional plantings are proposed, with a closer spacing of trees, to further buffer the neighboring residential uses. See Exhibits 18 and 19. The Examiner finds that this alternative landscape design (Ex.19) meets the intent of the required buffer type, and no further condition of approval is needed.

Finding 3 – Alternative L2 Landscape buffer (north property line) – As noted above CCC 18.402A.050(C)(7) allows conditional approval of an alternative landscape design and buffer standard that is compatible with existing, adjacent landscaping and still meets the intent of the required buffer type. The application originally showed the required 10-foot L2 landscape buffer along SR-500 (NE Fourth Plain Road). However, at the time, WDOT was asking for an additional right-of-way donation of 5 feet along this frontage for a total of 10

feet (Ex. 15) WDOT subsequently changed that request to a 5-foot right-of-way dedication (Ex. 22). See WDOT Finding 1 and Condition A-13 below. Therefore, the applicant has provided an acceptable alternative landscape plan for this portion of the site. The Examiner finds that this alternative landscape design (Ex. 19) complies with the required buffer type, and no further condition of approval is needed.

Finding 4 – Wheel Stops and Curbs – CCC 18.402A.060(A)(10)(a) requires wheel stops or curbs for parking spaces on the perimeter of a parking lot or adjacent to interior landscaped areas or sidewalks. The wheel stop or curb needs to be at least 4 inches high and located 3 feet back from the front of the parking space. The final site plan shall be revised to show the required wheel stops or curb. See Condition A-1.

Finding 5 – Parking stall dimensions – The parking stalls along the south property line are listed as 18 feet deep but are required to be 20 feet deep unless they are compact spaces. The applicant notes on the site plan that no compact spaces are being provided. In addition, the ADA accessible parking spaces are required to be at least 20 feet deep. Therefore, the final site plan shall be revised to show the required 20-foot depth for the all parking spaces along the south property line that are ADA accessible or for non-compact cars. See Condition A-2.

Finding 6 – Joint access – The applicant is proposing joint ingress/egress across the property to the east in order to access to NE 137th Avenue. CCC 18.402A.070 allows a cross-easement or equivalent agreement to be executed by the owners of the affected properties and filed permanently in county records with suitable deeds authorizing use of the properties for the proposed shared access prior to the issuance of a building permit. Therefore, prior to the issuance of a building permit this agreement shall be recorded with the county Auditor and a copy provided with the application for building permit. See Condition B-1.

Finding 7 – Pedestrian Access – CCC 18.402A.070(C)(5) requires that, where pedestrian or bicycle routes cross access, maneuvering, parking or loading areas, the crossing must be clearly identified by striping, elevation changes, speed bumps, a different paving material, and/or other method that effectively alerts drivers, pedestrians and cyclists of the location and nature of the crossing. Striping is discouraged as the only method of identification of pedestrian crossings due to maintenance problems and effectiveness in alerting drivers. In addition, when striping is used it must be continuously maintained in perpetuity in an effective manner by the property owner. The Americans with Disabilities Act (ADA) also requires a “tactile” surface for these pedestrian access routes. Therefore, the final site plan shall be revised to show an acceptable surface for the pedestrian access ways in compliance with CCC 18.402A.070 and the ADA. See Condition A-3.

TRANSPORTATION CONCURRENCY:

Finding 1 – Concurrency compliance – The applicant submitted a traffic survey for this proposal in accordance with CCC 12.41.050(G) and CCC 12.41.100 and is required to meet the standards in CCC 12.41.080 for corridors and intersections of regional significance. The applicant’s traffic survey reported a trip generation of 7 new weekday PM peak hour trips. The concurrency impacts have been evaluated, and staff reports that the proposed development complies with the concurrency ordinance CCC chapter 12.41.

Finding 2 – Safety, Traffic Signal Warrants – Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 12.05A.230. This code section states that “nothing in this chapter shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Chapter 12.41 CCC or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development: provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.” No un-signalized intersections were analyzed in the applicant’s traffic survey other than the two site driveways. However, due to the incrementally small increase in traffic attributable to this development, staff determined there was no indication that off-site mitigation under CCC 12.05A.230 was required. On this basis, the Examiner concludes that mitigation is not required.

Finding 3 – Safety, Turn Lane Warrants – Turn lane warrants are evaluated at un-signalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant’s traffic survey did not analyze roadways in the local vicinity of the site to determine if turn lane warrants are met. However, due to the incrementally small increase in traffic, staff determined there was no indication that off-site mitigation under CCC 12.05A.230 was required. On this basis, the Examiner concludes that mitigation is not required.

Finding 4 – Safety, Historical Accident Analysis – The applicant’s traffic survey analyzed the historical accident data at the intersection of SR-500 and NE 137th Avenue. This intersection has an historical accident rate of fewer than 1 accident per million entering vehicles; therefore, mitigation by the applicant under CCC 12.05A.230 is not required.

Finding 5 – Sight Distance – Sight distance is discussed in the Development Engineering staff report; however, the traffic survey stated that sight distance does not appear to be restricted at either driveway. On the basis of this review and staff’s concurrence, sight distance appears to be adequate, and the standard is met.

Finding 6 – Site Access – The applicant’s traffic survey indicates that the car wash should operate without vehicles queuing onto the public roadway. Staff reviewed the proposal and concurred with the applicant’s analysis and conclusions, including the statement that vehicle queues would not extend out into the public roadway. Staff also concurred with the study’s statement about egress onto SR-500 during the peak traffic hours. Staff advised the applicant that a raised median could be placed on SR-500 that would restrict turning movements to right-in and right-out only. This restriction would be constructed at WDOT’s discretion. On the basis of staff’s recommendation, the Examiner finds that all applicable site access requirements are met.

TRANSPORTATION:

Finding 1 – Circulation Plan – An additional circulation road through the development site is not feasible, and the existing road system will provide adequate cross circulation in compliance with CCC 12.05A.110.

Finding 2 – Roads – NE Fourth Plain Rd (SR-500) is classified as a State Route/Principal Arterial. See WDOT Finding below for additional information.

Finding 3 – Access – The access to this development is from an existing driveway on a State Route. No additional access is required for this development.

Finding 4 – Road Modifications – There are no road modifications associated with this proposal.

Conclusion: Based upon the findings, development site characteristics, the proposed transportation plan and the requirements of the County's transportation standards, the Examiner concludes that the proposed preliminary development plan is feasible and complies with the applicable transportation requirements.

STORMWATER:

Finding 1 – Applicability – This project proposes to create more than 2,000 sf of impervious surface (approximately 13,108 sf) and it is a land-disturbing activity not exempted in CCC 13.29.210. Therefore, this project shall comply with the sections of CCC 13.29, Stormwater and Erosion Control Ordinance, pertinent to these activities.

Finding 2 – Stormwater Proposal – The applicant proposes to install an underground stormwater facility on the property to treat runoff. The applicant shall submit plans for this stormwater system for review and approval. See Condition A-4.

Finding 3 – Site Conditions and Stormwater Issues – The site consists of a vacant lot with some graveled areas. The steepest slope on the site is approximately 3%. Little to no vegetation exists on the site other than grasses. The entire site is enclosed with cyclone fencing. The only soil type on the site is SvA according to the Clark County Developer's GIS Packet. Infiltration tests have been done on the site in order to determine stormwater treatment options. These infiltration rates tested 100 and 150 inches per hour. Based upon the development site characteristics, the proposed stormwater plan and the requirements of the county's stormwater ordinance, the Examiner concludes that the proposed project is feasible subject to Condition A-6.

FIRE PROTECTION:

Finding 1 – Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. See Condition B-2.

Finding 2 – Fire flow in the amount of 1500 gallons per minute supplied for 2 hours duration is required for this application. Prior to final approval, the applicant shall submit proof from the water purveyor indicating that the required fire flow is available at the site. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final site plan approval. See Condition A-5.

Finding 3 – Fire hydrants are required for this application and, either the proposed number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is farther than 300 feet from a fire hydrant as measured along approved fire apparatus access roads. Hydrants located across arterial roadways (SR-503) cannot be used to meet this requirement. Two hydrants will be required for this amount of fire flow. See Condition A-6.

Finding 4 – Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. See Condition A-7.

Finding 5 – The local fire district chief has final approval authority for the exact locations of fire hydrants. The applicant shall contact Fire District 5 at (360) 696-8166 to arrange for this location approval. See Condition A-8.

Finding 6 – The applicant shall provide and maintain a 6-foot clear space completely around every fire hydrant. See Condition A-9.

Finding 7 – Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. See Condition A-10.

Finding 8 – Fire apparatus turnarounds are not required for this application. No condition of approval is warranted.

HEALTH DEPARTMENT:

Finding 1 – Existing water wells – The Health Department found no evidence of an existing well on the site. If a well is discovered during the development process, it shall be legally decommissioned by a licensed well driller (WAC 173-160-381). Written confirmation with copies of receipt(s) of the decommissioning shall be submitted to the Clark County Health Department prior to Final Site Plan approval. The well driller must contact the Clark County Health Department at least 48 hours prior to the decommissioning of any well. The location of the decommissioned well must be shown on the Final Site Plan, and the development must connect to an approved water system. See Condition E-10.

Finding 2 – The applicant submitted a utility review for water from the City of Vancouver, indicating that public water is available to serve this development. The applicant will need to construct and pay for improvements required by the City of Vancouver to connect the new use to public water. See Condition C-1.

Finding 3 – Existing septic system – Nothing in the record shows that there is, or may be, an existing On-Site Septic System (OSS) on the property. However, if a septic system is found during the site development, it shall be legally abandoned (WAC 246-272-18501). Written confirmation with copies of receipt(s) of legal OSS abandonment shall be submitted prior to Final Site Plan approval. Legal abandonment requires septic tank pumping by a Clark County Health Department approved pumper/inspector, breaking in the tank lid, and filling the cavity with compacted soil. The location of any abandoned tank must be shown on the Final Site Plan. The proposed development must connect to an approved sewer system. See Condition E-10.

Finding 4 – The applicant submitted a utility review from the City of Vancouver, indicating that public sewer is available to serve the subject site. The applicant will need to construct and/or pay for all improvements required by the City of Vancouver to connect the new use to public sewer. See Condition C-2.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION (WDOT):

In reviewing the traffic impact Analysis of the nearby Birtcher Business Center, WDOT determined that a new right turn lane from eastbound SR 500 (NE Fourth Plain Road) to southbound NE 137th Avenue is needed. Due to the limited right-of-way in the SR 500 (NE

Fourth Plain Road) corridor, WDOT is asking this applicant for a right-of-way donation of 5 feet along SR 500 (NE Fourth Plain Road) for the future right turn lane. The applicant needs to revise the final site plan showing this dedication, and continued compliance with applicable zoning regulations, or provide evidence from WDOT that this condition has otherwise been satisfied. See Condition A-11.

IMPACT FEES:

Public Works Concurrency staff reports that the car wash will not require payment Traffic Impact Fees (TIF) due the close proximity of the neighboring gas station. However, the retail building, proposed as Phase II, will produce additional demands and impacts on traffic and is subject to TIFs. The site is within the Evergreen Transportation District, and the total TIF due at time of building permit for the retail building is \$13,027.14. If a building permit application is made more than 3 years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then current ordinance rate. See Condition B-3.

SEPA DETERMINATION

Based on the application materials and agency comments, staff determined there were no probable significant adverse environmental impacts associated with this proposal that could not be avoided or mitigated through the conditions of approval listed below. Accordingly, the County as lead agency, determined an environmental impact statement was not needed. The County published its Determination of Nonsignificance for this project on May 7, 2003 (Ex. 20); that determination has not been appealed, and it is final.

V. Decision and Conditions:

Based on the foregoing, this application is hereby approved in general conformance with the final version of the applicant's proposed site plan and related application documents (Exs. 5, 6, 8, 10, 18 & 19). This approval is granted subject to the requirement that the applicant, owner or subsequent developer (collectively the "applicant") shall comply with all applicable codes, laws and standards and the following conditions:

A. Conditions that must be met prior to Final Site Plan approval:

- A-1 The applicant shall revise the final site plan to show the required wheel stops or curb for the parking area (See Land Use Finding 4).
- A-2 The applicant shall revise the final site plan to show the required 20-foot depth for the parking spaces along the south property line for all handicapped (ADA accessible) spaces and all spaces for non-compact cars (See Land Use Finding 5).
- A-3 The applicant shall revise the final site plan to show an acceptable surface for the pedestrian access ways in compliance with CCC 18.402A.070 and the ADA (See Land Use Finding 7).
- A-4 The applicant shall submit plans for the underground stormwater facility to Clark County for review and approval (See Stormwater Finding 2).

- A-5 The applicant shall provide evidence from the water purveyor that the required fire flow is available at the site and that water mains supplying fire flow and fire hydrants are installed, approved and operational (See Fire Protection Finding 2).
- A-6 The applicant shall provide 2 fire hydrants such that the maximum spacing between hydrants does not exceed 300 feet and that no portion of the building exterior is further than 300 feet from a fire hydrant as measured along approved fire apparatus access roads (See Fire Protection Finding 3).
- A-7 Unless waived by the fire district chief, the fire hydrants provided by the applicant shall be equipped with appropriate 'storz' adapters for the pumper connection (See Fire Protection Finding 4).
- A-8 The applicant shall contact Fire District 5 at (360) 696-8166 to arrange for location approval of all fire hydrants (See Fire Protection Finding 5).
- A-9 The applicant shall provide and maintain a 6-foot clear space completely around every fire hydrant (See Fire Protection Finding 6).
- A-10 The applicant shall provide fire apparatus access roads with an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (See Fire Protection Finding 7).
- A-11 The applicant shall dedicate the required 5 feet of frontage for right-of-way along SR 500 (NE Fourth Plain Road) and revise the final site plan showing this dedication, and continued compliance with applicable zoning regulations; or provide evidence from WDOT that this condition has otherwise been satisfied (See Washington State Department of Transportation Finding 1).

B. Conditions that must be met prior to issuance of Building Permits:

- B-1 The applicant shall provide a copy of a recorded cross-easement or equivalent agreement showing legal access to NE 137th Avenue (See Land Use Finding 6).
- B-2 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (See Fire Protection Finding 1).
- B-3 The applicant shall pay traffic impact fees in the amount of \$13,027.14 for the retail building only. Impact fees are not required for the car wash (See Impact Fees Finding 1). If a building permit application is submitted more than 3 years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then current ordinance rate.

C. Conditions that must be met prior to issuance of Occupancy Permits:

- C-1 The applicant shall construct and/or pay for all improvements required by the City of Vancouver and connect the development to public water (See Health Department Finding 2).

C-2 The applicant shall construct and/or pay for all improvements required by the City of Vancouver and connect the development to public sewer (See Health Department Finding 4).

E. Standard Conditions: This development proposal shall conform to all applicable sections of the Clark County Code in addition to the following standard conditions:

- E-1 Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted. Otherwise, this preliminary site plan approval shall expire and be null and void.
- E-2 Prior to approval of a certificate of occupancy for the site, the applicant shall submit information (per CCC 18.402A.050(H)) verifying that the required landscaping has been installed in accordance with the approved landscape plan(s).
- E-3 Pre-Construction Conference – Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- E-4 Erosion Control – Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC chapter 13.29.
- E-5 Erosion Control – Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- E-6 Erosion Control – Erosion control facilities shall not be removed without County approval.
- E-7 Excavation and Grading – Excavation and grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
- E-8 Excavation and Grading – Site excavation and grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.
- E-9 Stormwater – Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance with CCC chapter 13.29.
- E-10 Health Department –
 - a.) The applicant shall comply with all applicable Health Department requirements with regard to the decommissioning of any water wells or septic systems found on site during the course of development.
 - b.) The applicant may be required to provide evidence of an adequate water supply and/or an adequate sewerage collection and treatment system. This evidence (normally in the form of a letter from the purveyor) shall be submitted to and approved by the Health Department prior to final plat approval.

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Date of Decision: June, ____, 2003.

By: _____
Daniel Kearns,
Land Use Hearings Examiner

NOTE: Only the Decision and Conditions of approval are binding on the applicant, owner or subsequent developer of the subject property as a result of this Order. Other parts of the final order are explanatory, illustrative or descriptive. There may be requirements of local, state or federal law or requirements which reflect the intent of the applicant, county staff, or the Hearings Examiner, but they are not binding on the applicant as a result of this final order unless included as a condition of approval.

Notice of Appeal Rights

An appeal of any aspect of the Hearings Examiner's decision, except the SEPA determination, may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing or submitted written testimony prior to or at the public hearing on this matter.

Any appeal of the final land use decisions shall be filed with the Board of County Commissioners, 1013 Franklin Street, Vancouver, Washington, 98668 within 14 calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the Land Use Hearings Examiner's final land use decision shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error;
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal must also explain why such evidence should be considered, based on the criteria in subsection 18.600.100(D)(2); and
5. A check in the amount of \$263 (made payable to the Clark County Board of County Commissioners) must accompany an appeal to the Board.